

## REMARKS

Entry of the above amendments and reconsideration of this application are requested. It is believed that the above amendments and the following remarks address all issues remaining from the office action. Allowance of the application is therefore solicited.

### Claim Rejections – 35 U.S.C. §102

Claims 32, 37, 41-43, 45-46 are rejected under 35 U.S.C. 102(b) as anticipated by Ritchart et al., US Patent No. 4,994,069. Applicants respectfully traverse.

Ritchart specifically teaches and intends for a temporary fluid backfill. See Column 3, line 47. He understood and taught that the collagen fluid in Figure 10 would become washed away by blood shortly after it is placed in the vessel. See Column 9, lines 28-31. Thus, it is not by chance that Ritchart's collagen fluid provides only a temporary backfill. Ritchart fully expected and wanted this result. When a drug is embedded in the collagen fluid, Ritchart desired that the collagen fluid erode and get washed away to slowly release the embedded drug into the bloodstream.

In the BACKGROUND OF THE INVENTION, Ritchart explains that conventional collagen fluids (e.g., the collagen bolus in Figure 10) provide only a temporary vessel occlusion (column 3, lines 47-52), and that such fluids typically provide good short-term vaso-occlusion but ultimately will be carried away (by blood), resulting in recanalization of the vessel (column 1, line 42).

To further contrast with Ritchart, claim 32 has been amended to clarify that:

(a) an all-natural, remodeled tissue blockage is generated in the vessel; and

(b) the remodeled tissue blockage remains in the vessel fully occluding the vessel.

This result simply does not occur in Ritchart, and in fact, Ritchart teaches away from method that would provide other than only a very temporary fluid backfill.

For at least this reason, Ritchart does not teach the subject matter of claim 32, and therefore withdrawal of this rejection is solicited. Further, because claims 37 and 41-43 are ultimately dependent upon claim 32, they also are patentable over Ritchart for at least these same reasons. Withdrawal of these rejections is therefore also solicited.

**Claim Rejections – 35 U.S.C. §103**

Claims 27, 29, 31, 33, 35, 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchard et al., US Patent No. 4,994,069 in view of Badylak et al., US Patent No. 5,275,826. Applicants respectfully traverse.

Because Ritchart desired a temporary fluid backfill, he clearly teaches away from any modification that would lead to the subject matter of claims 27, 29, 31, 33, 35, 40 or 44 which all require the generation of an all-natural remodeled tissue blockage in the vessel which will remain in the vessel fully occluding the vessel. Withdrawal of these rejections is therefore also solicited.

Claims 47-48, 50, 55-58 and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchard et al., US Patent No. 4,994,069 in view of Badylak et al., US Patent No. 5,275,826, and further in view of Boock et al., US Patent No. 6,187,024.

Because Ritchart desired a temporary fluid backfill, he clearly teaches away from any modification that would lead to the subject matter of claims 47-48, 50, 55-58 or 61-62 which all

require the generation of an all-natural blockage in the vessel or aneurysm. Withdrawal of these rejections is therefore also solicited.

### **Conclusion**

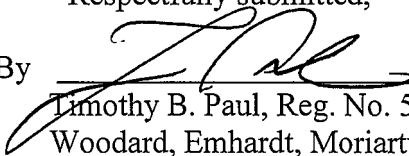
Amendments to the claims have been presented in order to expedite the prosecution of this application, and without prejudice or admission in respect of the previously claimed subject matter or remarks in the Action. In view of the amendments and the above remarks, reconsideration and allowance of this application are requested. If the Examiner should have any questions regarding this response or other comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the applicants' undersigned representative by telephone.

### **Request for Interview**

In the event that the Examiner finds any reason that the application cannot be allowed in its present form, the Applicant wishes to conduct an interview with the Examiner prior to any further action in order to provide an opportunity for coming to agreement upon allowable claims. To arrange the interview, the Examiner is requested to call the undersigned attorney at the telephone number given.

Respectfully submitted,

By



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